

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner reopens prosecution in view of the Appeal Brief submitted on August 7, 2003.

In the Official Action, the Examiner rejects claims 3 and 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the phrase "the at least one data carrier" on line 18 of claim 3 has no antecedent basis. In response, claim 3 has been amended to change "the at least one data carrier" to --the data carrier--. Accordingly, it is respectfully requested that the rejection of claims 3 and 4 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,594,425 to Ladner et al., (hereinafter "Ladner"). In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 102(b) for at least the reasons set forth below.

Ladner discloses a locator device (12) which is carried by a person (14). Upon activation of the device by the individual, the locator device transmits the most recently stored position information to a data processor station (18). The only other time that the locator device transmits the position information to the data processor station is upon an interrogation by the data processor station (column 3, lines 12-18). The data processor station compares the position information to a map and sends the information to a responder (20).

Thus, Ladner does not disclose or suggest:

"an information unit which is remote from the at least one data carrier for storing area information and transmitting the area information to the at least one data carrier" and

"... said at least one data carrier transmits its position to the information unit only in the case of initialization and movement of the at least one data carrier from the area..."

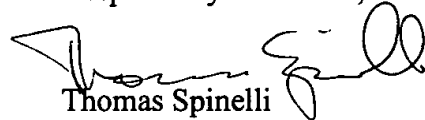
With regard to the rejection of claims 1-4, under 35 U.S.C. § 102(b), a locating system, having the features described above and as recited in independent claim 1, is nowhere disclosed in Ladner. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by Ladner. Accordingly, independent claim 1 patentably distinguishes over Ladner and is allowable. Claims 2-4 being dependent upon claim 1 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-4 under 35 U.S.C. § 102(b).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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